

County rules to safeguard groundwater supplies do not apply on tribal lands

By Murray Wunderly

Wunderly is the groundwater geologist in the County of San Diego's Department of Planning and Land Use.

July 24, 2003

Much has been written about the water woes on and around the Barona Indian Reservation in San Diego's East County. Some San Diegans may wonder how Barona's water supply was allowed to dwindle, and perhaps more importantly, exactly who is looking after the backcountry's precious water resources.

While homes and business in San Diego's coastal areas receive imported Colorado River and Northern California water from aqueducts, the eastern part of the county is entirely dependent on groundwater. Groundwater, in turn, is dependent on rainfall, and because rainfall is minimal in the backcountry, the county has strict development rules to make certain the region is not using more water than can be replenished naturally.

EDITOR'S NOTE:

Representatives of the Barona tribe declined repeated requests to present their views about the water situation for the reservation and its neighbors.

Excluding development projects on Indian reservations, nearly all groundwater dependent development projects in San Diego County are subject to the Groundwater Ordinance. This important environmental safeguard calls for technical studies before a project can be considered for approval. Among the most important of these studies are calculations for groundwater recharge and well testing for aquifer storage. Aquifer storage capacity is a crucial issue because the majority of backcountry aquifers, including those in the vicinity of Barona, are comprised of fractured rock, notorious for its low water storage capacity.

In contrast to other cities and communities of San Diego County, Indian nations are considered dependent sovereign nations under the protection of the federal government. Tribes have their own laws, and are subject to some federal laws, including the Endangered Species Act, the Clean Water Act, and the Clean Air Act. Few state regulations and none of the county's laws or ordinances apply on tribal lands.

This means that projects like the Barona Casino and golf course are not subject to the county Groundwater Ordinance. Studies conducted to evaluate the groundwater resources of the area are not subject to county standards. Tribal projects do not require technical review by the county, and do not require county approval before the project can be built. Additionally, ongoing groundwater quantity monitoring and potential mitigation measures that would typically be required for similar projects built on nontribal lands, are not required.

Current county regulations aimed at preventing overuse of groundwater resources would allow one single-family residence to be placed on an eight-acre minimum parcel in the vicinity of Barona Casino. While this residence would use about 165,000 gallons of water every year, the same eight acres developed as a golf course could use up to 80 times that amount.

Based on the limited rainfall, type of aquifer and high water demand of the project, it is clear that Barona's golf course would not comply with the county's Groundwater Ordinance and would have been denied if subject to county regulations.